

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ANGELA LOSH,

Plaintiff,

v.

CIVIL ACTION NO. 1:06CV130
(Judge Keeley)

MICHAEL ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on August 23, 2007, the Court referred the "Motion for Attorney Fees and Application for Fees and Other Expenses Under the Equal Access to Justice Act" filed by counsel for the plaintiff in this Social Security action to United States Magistrate John S. Kaul with directions to submit proposed findings of fact and a recommendation for disposition. On September 7, 2007, the Commissioner filed a response to the motion and on September 21, 2007, counsel for the plaintiff filed a reply.

On March 4, 2008, Magistrate Kaul filed his Report and Recommendation and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file any written objections with the Clerk of Court within ten (10) days

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after being served with a copy of the Report and Recommendation. As of March 21, 2008, the parties had not filed any objections.

Upon consideration of Magistrate Judge Kaul's recommendation and having received no written objections,¹ the Court adopts the Report and Recommendation. Therefore, it is

ORDERED that Magistrate Judge Kaul's Report and Recommendation be accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate. Accordingly, the plaintiff's application for fees and expenses pursuant to Equal Access to Justice Act (Docket No. 19) is **DENIED**.

The Clerk of the Court is directed to transmit copies of this Order to counsel of record.

DATED: March 26, 2008

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure of the parties to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).